

Minutes of the Planning Commission meeting held on Thursday, February 18, 2010, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair  
Sheri Van Bibber, Vice-Chair  
Kurtis Aoki  
Karen Daniels  
Jeff Evans  
Ray Black  
Chad Wilkinson, Community Development Planner  
Tim Tingey, Community & Economic Development Director  
G.L. Critchfield  
Citizens

Excused: Tim Taylor

Mr. Harland opened the meeting and welcomed those present.

#### APPROVAL OF MINUTES

Sheri Van Bibber made a motion to approve the minutes as written from February 4, 2010. Seconded by Karen Daniels.

A voice vote was made. The minutes were approved unanimously, 6-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest noted regarding this agenda.

#### APPROVAL OF FINDINGS OF FACT

Jeff Evans made a motion to approve the Findings of Fact for Conditional Use Permits for Andy & Danielle Kelsch, Check Loan Auto, LLC, and Mountain Valley Auto as written. Seconded by Karen Daniels.

A voice vote was made. The motion passed unanimously, 6-0.

#### CLEARWIRE/WATTS – 5888 South 900 East, Project #10-114

Steve Crain was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for Conditional Use Permit approval for a stealth communications tower and associated antenna. The property is in the C-D-C zone. Mr. Wilkinson stated that there is a residential area to the west of the property and commercial uses on all of the other sides. He said that the tower is located on the southeast portion of the lot, and clarified that a future building and parking lot is shown on the site plan but do not currently exist. He stated that the proposed pole is a stealth design and will have the capability of supporting a street or parking lot light. Mr. Wilkinson said that the antennas are located inside of the pole. He stated that the pole will be located 20 feet back from 900 East in order to meet the setback requirements. He said that staff is recommending approval of the application and have reviewed it based on the standards contained in the development code. Mr. Wilkinson stated that

there is a large power line that runs along 900 East and that the proposed tower should meet the applicable separation requirements. He stated that there is a street light very close and that staff has considered the possibility of making this a parking lot light instead of a street light, although that will be decided by the streets department. Mr. Wilkinson said that the applicant will need to obtain approval from Salt Lake County for the setback criteria pertaining to the nearby creek. He stated that the code requires landscaping to be brought into compliance when a Conditional Use Permit is approved, and that there is an area of landscaping that will need to be extended along 900 East.

Mr. Harland asked what type of landscape is required. Mr. Wilkinson replied that the minimum code requirements are 40 percent turf on the frontage, and that the other percentage can be ground cover and appropriate street trees. He said that the City Forester will have to approve the landscaping. Ms. Van Bibber asked who will maintain the landscape. Mr. Wilkinson replied that it will be the responsibility of the property owner. Mr. Aoki asked if the property will be fenced. Mr. Wilkinson responded that the equipment will be fenced. Mr. Harland asked if the tower color is steel gray. Mr. Wilkinson confirmed that it is. Mr. Evans asked if the landscaping will abut the adjacent field. Mr. Wilkinson responded that it will temporarily, but a future building is planned on that site.

Steve Crain, 22 West Cascade Avenue, Alpine, provided some information on Clearwire. He said that Clearwire is a new Wimax company that provides 4G coverage and is commissioned by the FCC. He stated that they are competitors with Comcast and other DSL providers. Mr. Crain stated that there are over 260 tower sites along the Wasatch Front, most of which are co-located with existing structures. He said that he has been working with the building department to make sure all of these towers are constructed properly and that many of them are located on roof tops. He stated that this is the only raw land site, and that he wants to make it unobtrusive, which is why he chose the stealth design.

Mr. Aoki asked the radius of the tower. Mr. Crain replied that they need to be spaced approximately one mile apart due to their frequency in order to provide good coverage. Mr. Harland clarified that this is for internet service, not cell phone service. Mr. Crain confirmed that it is for wide area internet service. Mr. Aoki asked if these structures are already established in other areas. Mr. Crain replied that the rest of the city is well covered except in this location. Mr. Harland asked if he has already sold the service. Mr. Crain responded that he doesn't think it will be ready until the end of the year in the Salt Lake area.

Jim Harland opened the meeting for public comments.

Joan Fisher, 1037 E. Belle Meadows Way, asked which corner the tower will be located on. Mr. Harland stated that it is on the northwest corner. Ms. Fisher clarified that this location is currently a vacant lot adjacent to the creek. She asked how tall the tower will be. Mr. Harland replied that it will be 59.5 feet tall.

There were no additional comments from the public.

Ray Black asked Mr. Watts if he is the owner of the property. Mr. Watts confirmed that he is.

Jeff Evans made a motion to grant approval for a Conditional Use Permit for a stealth communications tower, and associated antennae, for the property addressed 5888 South 900 East, subject to the following conditions:

1. The project shall meet all applicable building code standards. Plans shall be stamped and sealed by a structural engineer licensed in the State of Utah when submitted for a building permit.
2. The project shall meet all current fire codes.
3. Meet all power department requirements. The proposed tower shall meet the national Electrical Safety Code spacing standards plus 25 percent.
4. Design, height, and placement of the proposed light on the monopole shall meet applicable requirements of the streets division and power department.
5. The plan will need to be revised to show the distance from the creek and the applicant shall obtain approval from Salt Lake County for clearance from the top of the bank and provide a copy of the approval with the application for building permit.
6. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy. The plan shall show the required 10 foot landscape area adjacent to 900 East.

Seconded by Sheri Van Bibber.

Call vote recorded by Tim Tingey.

A Jeff Evans  
A Sheri Van Bibber  
A Karen Daniels  
A Kurtis Aoki  
A Ray Black  
A Jim Harland

Motion passed, 6-0.

DISCOVERY COVE P.U.D./IVORY HOMES – 997 East Vine Street, Project #10-104

Christopher Gamvroulas was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a fencing amendment. He said that the Planning Commission reviewed this location a few weeks ago in relation to another amendment to the P.U.D. He stated that there are a few residences that have been completed, and that this is a platted, planned unit development. He pointed out that there is an existing public park located to the north and east of the site. Mr. Wilkinson

stated that planned unit developments are different from standard subdivisions as they require a consistent theme throughout. He said that landscaping and fencing plans are required in order to verify that this will be a cohesive development. He stated that there is a trade off on planned unit developments with the applicant being allowed flexibility in development standards, and in return the City has a more exact idea of the product that will be constructed. He stated that as part of the approval process, some additional information is required initially. Mr. Wilkinson said that a fencing plan was submitted at the time this project was initially approved. He said that the fence was to be built using Trex fencing and contained rock columns located at intervals. He stated that there was also an entry feature, which has been constructed, but that the other fencing has not been constructed according to the plan as there are not rock columns. Mr. Wilkinson stated that the current proposal is to amend the fencing plan to allow for the existing Trex fencing, without columns, to remain and to also allow the existing chain link fence to remain. He said that the proposal also includes finishing the unfenced area with the Trex material that is consistent with the rest of the subdivision. He stated that the owners that have the chain link fence would like to keep it in place as it is adjacent to a public park and the owners desire an open view fence.

Mr. Wilkinson pointed out an existing irrigation structure, and stated that one of the property owners, Robert Richmond, has requested that access is maintained to the irrigation structure by means of a gate. He stated that staff is recommending approval of the request as it is a benefit to the property owners adjacent to the public park to have an open view fence. He stated that the remainder of the property will be fenced with a solid fence that will provide some buffering to the neighboring properties. Mr. Wilkinson stated that since the columns were not installed previously it would not be beneficial to require installation at this point.

Ray Black asked if a property owner that currently has a chain link fence could install a solid fence in the future if desired. Chad Wilkinson responded that this could be addressed as part of the motion. Mr. Black stated that sometimes a solid fence is put up to afford privacy, and that in the future some of the property owners might choose to do so. Mr. Harland asked if the original owner decided not to install the rock columns. Mr. Wilkinson responded that the fence was installed during the initial phase of the project, and that a large amount of work had already been completed before the issue arose. He said that staff doesn't find it is within the public interest to tear out the fence that is already in place in order to install the stone columns.

Chris Gamvroulas of Ivory Homes, 978 Woodoak Lane, Murray, stated that Mr. Wilkinson had done an excellent job of summarizing the application. He said that he had spoken with Mr. Richmond today regarding the gated access to the irrigation structure and that they agreed to meet on site to ensure that the gate is installed in a reasonable location. Mr. Harland asked which lot the gate would be constructed on. Mr. Gamvroulas responded that it will be on lot 18, which is an open space lot. He said that he appreciates the Community and Economic Development staff being reasonable in their review of the application. He stated that the first lots sold were those that back onto the park, and the buyers were told that there were no plans to install a solid fence along that side. He said that the buyers agreed that they didn't want a solid fence because they liked the open space and foliage. Mr. Gamvroulas stated that finishing the fencing using Trex is the most reasonable solution. He said that in response to Mr. Black's

question regarding future property owners choosing a solid fence over open view, there has been a change in the CC&R's that Trex fencing is the standard for the HOA, and that if a property owner chooses to erect a solid fence it must be the same Trex fencing in order to maintain consistency. Mr. Harland asked Mr. Tingey if this needs to be addressed in the motion as it has already been changed in the CC&R. Tim Tingey stated that it should be specified by the Commission that the owners of lots with open view fences have the option to install Trex fencing.

Mr. Harland opened the meeting for public comments.

Don Goettsche, 1055 East Belle Meadows, stated that he is adjacent to lot 19. He asked how a fence is going to be set over the buried irrigation ditch that runs along the property line. Mr. Gamvroulas stated that this is a good point, and that field adjustments will be made if needed. Mr. Goettsche stated that he appreciates Ivory's work at this site and that it has been cleaned up.

Joan Fisher stated that there is a large irrigation gate near her property, and she wonders if the fence is going to be on the east or west side of the gate. Mr. Gamvroulas stated that he isn't sure of the exact placement of the fence. Mr. Goettsche stated that the irrigation canal meanders along the property line, and that the gate Ms. Fisher is referring to is actually a junction to send the water underground. He stated that sometimes the grates will clog and his yard is flooded. He said that he doesn't need access to that area if Ivory is going to be responsible for keeping the grates cleaned out, but if he has to keep the grates cleaned out he needs access. Mr. Goettsche stated that he uses the irrigation water for his yard, but he is piped into it. Ms. Fisher stated that she uses irrigation water as well. Mr. Gamvroulas stated that he would be happy to meet with the property owners on the site to discuss this, and said that the water user is responsible to keep the grates cleaned out.

There were no additional comments from the public related to this issue.

Kurtis Aoki asked if there needed to be clarification about gate access. Chad Wilkinson responded that this may be why the fence wasn't installed originally. He said that it can be left up to the property owners as to where the gates should be installed. Mr. Harland asked if the City will inspect the fence construction. Mr. Wilkinson replied that it will be verified that the fence is built in accordance to what the Planning Commission approves.

Jeff Evans made a motion to approve the amendment for the required perimeter fence for Discovery Cove PUD/Ivory Homes, located at 997 East Vine Street, subject to conditions:

1. A gate shall be installed on Lot 18 to provide access to the existing irrigation structure.
2. Lots bordering the public park may use chain link or Trex fencing at the discretion of the owner. All other lots shall use the Trex fencing as proposed.

Seconded by Karen Daniels.

Call vote recorded by Tim Tingey.

A\_\_ Jeff Evans  
A\_\_ Karen Daniels  
A\_\_ Sheri Van Bibber  
A\_\_ Jim Harland  
A\_\_ Ray Black  
A\_\_ Kurtis Aoki

Motion passed, 6-0.

Mr. Gamvroulas stated that they have sold 14 of the 20 lots in the past four weeks.

Mr. Harland reminded the Commission members about an upcoming seminar on February 24<sup>th</sup>, 2010. He reminded those present of the next meeting date in March.

Meeting adjourned.

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Tim Tingey  
Community & Economic Development Director